

**Stuart B. Wolfe (SBN 156471)
Joshua M. Bryan (SBN 225230)
jmbryan@wolfewyman.com
WOLFE & WYMAN LLP
2175 N. California Blvd., Suite 645
Walnut Creek, California 94596-3502
Telephone: (925) 280-0004
Facsimile: (925) 280-0005**

**Attorneys for Defendants
PNC BANK, NATIONAL ASSOCIATION,
as successor by merger to NATIONAL
CITY BANK previously dba "NATIONAL
CITY MORTGAGE"**

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

STEVEN YEAGER and MARINA LUNA,

Plaintiffs,

V.

PNC MORTGAGE, a Delaware LLC dba
NATIONAL CITY MORTGAGE, and DOES
1 to 25, inclusive.

Defendants.

Case No. 3:10-CV-01195 SI

(Sonoma Superior Court No.: SCV 246724)

**STIPULATION AND ORDER
CONTINUING HEARING ON MOTION
TO DISMISS FIRST AMENDED
COMPLAINT AND CASE MANAGEMENT
CONFERENCE IN LIGHT OF PENDING
SETTLEMENT**

**TO ALL PARTIES HEREIN AND TO THEIR RESPECTIVE ATTORNEYS OF RECORD,
AND TO THE HONORABLE COURT:**

This Stipulation is made by and between Plaintiffs STEVEN YEAGER and MARINA LUNA (“Plaintiffs”) and Defendant PNC BANK, NATIONAL ASSOCIATION (“PNC”) by and through their respective counsel of record. Plaintiffs and PNC agree and stipulate as follows:

- A. The hearing on PNC's motion to dismiss the First Amended Complaint is currently set for October 26, 2010.
- B. The Case Management Conference in this matter is also currently scheduled for October 26, 2010.

- 1 C. On or about September 28, 2010, Plaintiffs and PNC reached a settlement in principle
 2 of this matter, subject to the execution of an agreed upon form of release.
- 3 D. On or about September 28, 2010, in light of the settlement in principle, the parties
 4 agreed that both the hearing on PNC's motion to dismiss the First Amended
 5 Complaint and the Case Management Conference should be continued at least two
 6 months to December 28, 2010 or to a date as soon thereafter as is available with the
 7 Court, to allow the parties time to complete and execute release language and pursue
 8 completion of the terms of the anticipated settlement agreement.

9 WHEREFORE, Plaintiffs and PNC agree and stipulate that both the hearing on PNC's
 10 motion to dismiss the First Amended Complaint and the Case Management Conference should be
 11 continued at least two months to December 28, 2010 or to a date as soon thereafter as is available
 12 with the Court, with all deadlines for related pleadings including but not limited to any case
 13 management statements, oppositions or reply briefs reset accordingly.



14
 15 DATED: September 28, 2010

16
 17 WOLFE & WYMAN LLP

18
 19 By: /s/ Joshua M. Bryan (SBN 225230)

20
 21 STUART B. WOLFE
 22 JOSHUA M. BRYAN
 23 **ATTORNEYS FOR DEFENDANT**
 24 **PNC BANK, NATIONAL ASSOCIATION**

25
 26 DATED: September 28, 2010

27
 28 HENDRICKSON LEGAL SERVICES

29
 30 By: /s/ John Hendrickson (SBN 257298)

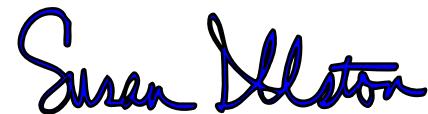
31
 32 JOHN HENDRICKSON
 33 **Attorney for Plaintiffs**
 34 **STEVEN YEAGER and**
 35 **MARNIA LUNA**

1 **ORDER ON STIPULATION**

2 The Court, having reviewed the stipulation of Plaintiffs and PNC BANK, NATIONAL
3 ASSOCIATION ("PNC"), and good cause appearing therefore, ORDERS that both the hearing on
4 PNC's motion to dismiss the First Amended Complaint and the Case Management Conference are
5 hereby continued to December ~~28~~¹⁶, 2010, with all deadlines for related pleadings including but not
6 limited to any case management statements, oppositions or reply briefs reset accordingly.

7 IT IS SO ORDERED.

8 DATED: _____



9 JUDGE OF THE DISTRICT COURT

